



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

MISCELLANEOUS FIRST APPEAL NO. 454 OF 2017 (FC)

BETWEEN:

G.D.SURESH,
S/O LATE DODDAPUTTACHAR,
AGED ABOUT 46 YEARS,
R/AT NO.9/3, 4TH CROSS,
7TH MAIN ROAD,
HONGASANDRA, BEGUR ROAD,
BENGALURU-560 068.

...APPELLANT

(BY SRI.G.D.SURESH APPELLANT (ABSENT)
SRI.V.S.VINAYAKA AMICUS CURIAE)

Digitally
signed by K G
RENUKAMBA

Location:
HIGH COURT
OF
KARNATAKA

AND:

SMT. INDRANI @ JAYALAKSHMI,
W/O G.D.SURESH,
AGED ABOUT 49 YEARS,
R/AT NO.1627, 1ST CROSS,
SOPPINAKERE, MANDI MOHALLA,
MYSORE-570 001.

...RESPONDENT

(BY SRI.M.N.VIJAYA ADVOCATE)

THIS MFA IS FILED U/S 19(1) OF THE FAMILY COURT
ACT, AGAINST THE JUDGMENT AND DECREE DATED
20.10.2016 PASSED IN M.C.NO.2048/2010 ON THE FILE OF
THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT,



BENGALURU, DISMISSING THE PETITION FILED U/S 13(1)(ia) AND (ib) OF HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ORDER, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

When the matter was listed on the previous occasion the following order was passed:

"It is evident from the previous order passed in this appeal that learned Amicus Curiae was appointed to look into the case on behalf of the appellant, however, from the record it seems that learned Amicus Curiae has not been appearing.

Hence, Court notice be issued to the appellant to engage another counsel.

List after four weeks."

2. Today, learned Amicus Curiae who was appointed by this Court by means of order dated 30.01.2024 has moved an application dated 20.08.2025 seeking recall of the order passed on 18.08.2025 which is supported by a memorandum of facts.

3. Though we appreciate the gesture on behalf of the learned Amicus Curiae, who has appeared before the Court,



however, the fact remains that the instant appeal has been filed by the husband challenging the decree dated 20.10.2016 passed by the II Additional Principal Judge, Family Court, Bengaluru in M.C.No.2048/2010 which was filed by him, whereby the aforesaid matrimonial case was dismissed.

4. A perusal of the office report reflects that pursuant to the order of the Court dated 18.08.2025, a Court notice was issued to the appellant but, unserved Court notice was received by the office. It is evident that the notice is unserved and learned Amicus Curiae has no instructions from the appellant. Therefore, we dismiss the aforesaid appeal for want of prosecution.

I.A.No.1/2025 stands disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE